

MARYLAND DEPARTMENT OF THE ENVIRONMENT  
AIR AND RADIATION MANAGEMENT ADMINISTRATION

**RESPONSE TO COMMENTS**

for the

PUBLIC HEARING held on December 18, 2013  
in BALTIMORE, MD  
related to amendments to Regulation .08 under chapter COMAR 26.11.19

Purpose of Hearing: The purpose of the public hearing was to allow for public comment on the Department's proposal to amend Regulation .08 under chapter COMAR 26.11.19 Volatile Organic Compounds (VOC) from Specific Processes.

The proposed amended regulation adopts the requirements of the Environmental Protection Agency Control Techniques Guidelines (CTG) for miscellaneous metal and plastic parts coatings EPA, 453/R-08-003, September 2008.

Date and Location: The public hearing was held on December 18, 2013 at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Aeris Conference Room, Baltimore, Maryland 21230.

Attendance: Randy Mosier, Chief, Regulations Development Division, Air and Radiation Management Administration, served as Hearing Officer.

Statement: The Department's statement was read by Husain Waheed, Senior Regulatory and Compliance Engineer of the Regulations Development Division of the Air and Radiation Management Administration, Department of the Environment.

Comments and Responses: Comments were received from the Department of Defense (DOD). The written comments received, in some instances, have been summarized and the Department's response given below.

VOC Content Limits for Military Specification Coating

**1. COMMENT:** The proposed VOC content limit for air-dried Military Specification coatings is 0.34 kg/l. Technical orders (TO) within the DOD provide specific information/instructions that must be followed in maintaining military equipment, including requirements pertaining to materials used to maintain such equipment. Military Specification coatings that are currently accessible to DOD installations have a maximum VOC content of 0.837 kg/l which would require a suggested change to the proposed limit.

**RESPONSE:** The purpose of this rulemaking is to fulfill Maryland's obligation pursuant to §§ 172(c)(1) and 182(b)(2) of the federal Clean Air Act, 42 U.S.C.A. § 7401, *et cet.* ("CAA"), to submit a revision to its State Implementation Plan ("SIP") that implements

#### Clarification of Emission Standards in Tables 1 and 2 of COMAR 26.11.19.08D

**2. COMMENT:** Tables D(1) and D(2) show proposed baked and air-dried emission standards for a variety of coating types. The proposed regulation is unclear as to whether the units of VOC per gallon/liter are exclusive of water and exempt compounds. The emissions standards in the CTG do exclude water and exempt compounds.

**RESPONSE:** The Department agrees with the comment and will clarify that the emission standards in COMAR 26.11.19.08D do exclude water and exempt compounds.

#### Clarification of Applicability of Coatings Used in Research and Development Activities

**3. COMMENT:** The Naval Air Warfare Center Aircraft Division in Maryland serves as the Navy's principal research, development, test and evaluation (RDT&E) acquisition, engineering and fleet support activity of naval aircraft, engines, avionics, aircraft support systems and ship/shore/air operations. The facility is also the testing facility for the new V-22 Osprey. It is important for DOD that an exemption for RDT&E be included in the regulation, in accordance with EPA's CTG.

**RESPONSE:** As noted in the response to Comment #1, Maryland has proposed the current rulemaking pursuant to its obligation to revise its State Implementation Plan to implement reasonably available control measures for VOC sources covered by a CTG and located in a nonattainment area classified as moderate and above. Maryland's proposed revisions to COMAR 26.11.19.08 do not contain the research and development (R&D) exemption as provided in the 2008 CTG for the miscellaneous metal and plastic parts coating category. At this time, it is unclear whether activities which would be covered by the R&D exemption are occurring in the state; and that until such time as evidence is shown demonstrating that the R&D exemption is needed, the regulation will be adopted as proposed.

Based upon MDE's initial understanding of the written comments and subsequent conversations with DOD staff, there is concern that the limited R&D exemptions provided under EPA's CTG may not be sufficient for the needs of DOD. EPA's CTG for Miscellaneous Metal and Plastic Parts states that *"coatings that are applied to test panels and coupons as part of research and development, quality control, or performance testing activities at paint research or manufacturing facilities are not included in the miscellaneous metal products and plastic parts coatings categories under [CAA] section 183(e) and are therefore not addressed in this CTG."*

The Department acknowledges that a determination regarding the applicability of the R&D exemption to a certain coating activity is a case specific determination. While certain coating activities performed by DOD may be outside the scope of the R&D exemption provided in EPA's CTG for Miscellaneous Metal and Plastic Parts, the specific activity would need to be disclosed for the Department to determine which VOC